

PUBLIC HEARING—July 14, 1965

Appeal #8278. James Properties, Inc. appellant.

The Zoning Administrator District of Columbia, appellee.

On motion duly made, seconded and unanimously carried the following Order was entered on July 14, 1965:

**ORDERED:**

That the appeal for a variance from the use provisions of the C-2 District to permit outdoor parking of loaded plumbing service trucks at 5510-12 - 7th St. N.W., lots 815 and 816, square 3153, be denied.

As the result of an inspection of the property by the Board, and from the records and the evidence adduced at the hearing, the Board finds the following facts:

(1) Appellant's lots, which are located in the C-2 District, have a frontage of 74.97 feet on 7th Street, a depth of 90 feet to a 10 foot wide public alley in the rear, and contains an area of 6750 square feet of land.

(2) Immediately across this alley is the plumbing business of Vito, the appellant.

(3) Appellant has requested a variance from the use provisions of the C-2 District to store his trucks on this property which contain materials for plumbing and heating. The Zoning Administrator, however, has ruled that under the provisions of para. 5102.32 (p) of the Zoning Regulations which reads "plumbing or heating shop, excluding outdoor storage", that the parking of these trucks with materials therein is in violation of this provision of the Zoning Regulations. /The Zoning Administrator ruled that he may park his trucks on this property provided they do not contain these materials used in the plumbing business.

(4) There was objection to the granting of this appeal registered at the public hearing.

**OPINION:**

It is the opinion of this Board that appellant has not proven a case of hardship within the provisions of Section 8207.11 of the Zoning Regulations as there is nothing unusual in the property by reason of narrowness, shallowness, or shape or by reason of exceptional topographical conditions or other extraordinary or exceptional situation of the property, which is the basis for approval of use variances under the above section. The lots are normal in all respects, being rectangular in shape and containing none of the features described in Section 8207.11 of the Zoning Regulations. The Board therefore has no alternative but to deny the appeal as filed.

The Board is of the opinion, however, that appellant should have filed an appeal from the ruling of the Zoning Administrator in denying this application. The Board will, therefore, be receptive to the filing of such an appeal at any time appellant desires.